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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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10 RAYMOND DAVID KILDUFF,

2:13-CV-305 JCM (PAL)

11 Plaintiff(s),
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13 v.

14 MGM RESORTS INTERNATIONAL
15 d/b/a ARIA,

16 Defendant(s).
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18 **ORDER**

19 Presently before the court is defendant MGM Resorts International's motion for attorney fees.
20 (Doc. # 27). Plaintiff has not filed a response and the response date for filing a response has passed.

21 Plaintiff allegedly slipped and fell inside a bar located in side the Aria Resort and Casino.
22 The plaintiff apparently misidentified the correct casino and sued this defendant, MGM, instead of
23 the Aria. Defendant filed a motion to dismiss, and this court granted the motion pursuant to local
24 rule 7-2(d) because plaintiff never responded to the motion to dismiss.

25 Defendant now seeks attorney fees in defending this lawsuit. A court may "award counsel
26 fees to a successful party when his opponent has acted in bad faith, vexatiously, wantonly, or for
27 oppressive reasons." *United States v. Standard Oil Co. of California*, 603 F.2d 100, 103 (9th Cir.
28 1979). Defendant's state that plaintiff's counsel acted in bad faith; however, the arguments are really

1 that plaintiff's counsel is lazy and incompetent. The court does not find bad faith based on the
2 conduct in this litigation and declines to award fees.

3 Accordingly,

4 IT IS HEREBY ORDERED, ADJUDGED, DECREED that defendant's motion for attorney
5 fees (doc. # 27) be, and the same hereby, is DENIED.

6 DATED June 26, 2013.

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9 UNITED STATES DISTRICT JUDGE